

**UNITED STATES DISTRICT COURT**  
**For the**  
**Eastern District of Virginia**  
**Alexandria Division**

**FILED**

2009 JUL -2 P 2:11

**DAPHNE BORDA**  
**Plaintiff**

**v.**

**TARGET CORPORATION**  
**dba Target Stores, Inc.,**  
**SERVE: CT Corp., Registered Agent**  
**4701 Cox Road**  
**Glen Allen, VA 23060-6802**  
**Defendant**

**Civil Action No.: 1:09cv 738**

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

**LMB/JFA**

**COMPLAINT**

COMES NOW the undersigned Plaintiff, Daphne Borda, by Counsel, and hereby submits this, her Complaint against the Defendant, Target Corporation, and in support thereof, the Plaintiff states as follows:

1. The Plaintiff is a citizen of Virginia. The Defendant Target Corporation (hereinafter "Target"), is a Corporation incorporated under the laws of the State of Minnesota with its principal place of business in Minnesota. The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 U.S.C. § 1332.
- 2 Target owns approximately 1,500 retail stores in 47 states including approximately 43 retail stores through out the Commonwealth of Virginia, including one which is located at, or about, 6100 Arlington Boulevard, Falls Church, VA 22044 ( hereinafter "the Store"), where the incident described herein occurred.
3. On or about August 7, 2005, at approximately 2:45 PM, the Plaintiff, Daphne Borda, an adult resident of Virginia, was shopping in the Store with her daughter and granddaughter. As such, the Plaintiff was an invitee of Target, lawfully on the premises

for the purpose of doing business with Target.

4. At that same time and place, two employees of Target, acting in the scope of their employment with Target, were moving a platform cart which was loaded with cases of bottled water, through the aisles of the store.

5. Suddenly and without warning to the Plaintiff, the Target employees caused the cart to collide with the Plaintiff with great force and violence, impelling the Plaintiff to strike the adjacent metal shelves, also with great force and violence.

6. When the employees realized what they had done, the one pushing the cart backed it up and then caused it to collide into the Plaintiff again, once more crushing her against the shelving.

7. Target and its agents and employees, had a duty to use ordinary care to prevent injuries to their customers.

8. Target was negligent and breached its duty to the Plaintiff in that Target's agents and employees:

(a) Failed to pay full time and attention while moving the heavily loaded platform cart in the store.

(b) Failed to keep a proper lookout;

(c) Failed to keep the platform cart under proper control while moving it through out the store;

(d) Failed to operate the cart in a proper manner under the conditions then and there prevailing.

(e) Loaded the platform cart, in such a manner that it presented a danger to others when moved through the Stores; and

(f) Failed to give the Plaintiff timely and adequate warning.

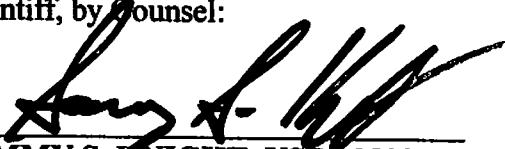
9. As a direct and proximate result of the aforesaid collisions, the Plaintiff Daphne Borda, sustained severe and permanent injuries, both physical and mental, including but not limited to: injury to her chest and spinal column which has necessitated surgery to repair and/ or fuse several vertebrae; she has been prevented from transacting her business; has suffered and will continue to suffer great pain and suffering of body and mind; has sustained permanent disability, deformity and loss of earning capacity; has incurred and will incur in the future hospital, doctors' and related bills in an effort to be cured of said injuries.

10. Pursuant to Rule 38(b), Plaintiff demands Trial by Jury.

THEREFORE, the Plaintiff demands judgment against the Defendant Target Corporation, in the sum of Ten Million Dollars, plus interest from the date of the incident, and her costs expended in this action.

Date: July 2, 2009

**Daphne Borda,**  
Plaintiff, by Counsel:



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